

Town of Surfside Town Commission Meeting MINUTES June 12, 2012 7 p.m.

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor Surfside, FL 33154

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:03pm.

B. Roll Call of Members

Recording Clerk Sarah Johnston called the roll with the following members present: Mayor Dietch, Vice Mayor Karukin, Commissioner Lisbon, Commissioner Kligman, and Commissioner Olchyk.

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks - Mayor Daniel Dietch

Commissioner Olchyk made a statement about Commissioner Lisbon's resignation. She expressed disappointment about the work and cost involved to the Town as a result of the resignation. Commissioner Lisbon responded to Commissioner Olchyk's comments. He stated that she was not aware of things impacting his decision and indicated that she should have contacted him prior to making the statement. He explained the reasoning behind his decision to resign.

E. Agenda and Order of Business Additions, deletions and linkages

Vice-Mayor Karukin linked agenda item 9B and 5C.

Town Attorney Lynn M. Dannheisser announced an Executive Session to discuss labor negotiations on Tuesday, July 10 at 7pm.

Commissioner Olchyk made a motion for the previous month's agenda item (relating to the Town Manager's compensation) to be discussed for reconsideration, Commissioner Kligman seconded the motion. Commissioner Olchyk and Commissioner Kligman voted in favor and Commissioner Lisbon, Vice-Mayor Karukin, and Mayor Dietch voted in opposition. The motion failed.

*see additional related discussion under agenda item 5C.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch stated the Community Center one-year anniversary party was to be held on June 16, 2012 and there was a budget workshop on June 19, 2012. He said there were many other community activities in June and these were listed in the Surfside Gazette and on the Town website.

* The below item was announced after agenda item IJ.

Mayor Dietch reminded senior citizens about reapplying for a property tax exemption.

*G. Introduction of New Finance Director, Donald "Don" Nelson, C.P.A. - Roger M. Carlton, Town Manager Page 1 – 4

Town Manager Roger M. Carlton introduced Don Nelson, the recently hired Finance Director. Don Nelson introduced himself and reviewed his background, education, and experience.

*H. Relay for Life Presentation – Janey Mayville, Community Representative (SET FOR TIME CERTAIN 7:15PM)

Emily Marquez from the American Cancer Society thanked the Commission for the help in raising \$55,000 and specifically thanked the Honorary Co-Chair, Roger M. Carlton.

Janey Mayville presented the Town and Roger M. Carlton with an award for their contribution.

Roger M. Carlton expressed appreciation for the extra work from Yamileth Slate-McCloud, Chief David Allen, former Asst. Police Chief John DiCenso, and Bal Harbour Chief Thomas Hunker.

Mayor Dietch also thanked former Vice-Mayor Graubart for his work.

*I. Exemplary Surfside Student Awards and Certificates Presentation – Mayor Daniel Dietch (SET FOR TIME CERTAIN 7:20PM)

Mayor Dietch announced the certificate recipients, Alejandro Veguilla and Elisa Zambrano, and the scholarships winners, Maya Sperkacz, Samantha Stella, and Ricardo Zambrano.

*J. Miami Beach Collins Avenue/Indian Creek Project Presentation – James Bennett, Project Administrator for the Florida Department of Transportation (SET FOR TIME CERTAIN 7:30 PM) Note: Mayor and Members of the Village of Bal Harbour and the Town of Bay Harbor Islands Commission have been invited.

Heather Leslie with the Florida Department of Transportation (FDOT) presented a fact sheet to the Commission and explained the upcoming project.

Vice-Mayor Karukin asked questions about the impact of the project.

Resident, Louis Cohen 9341 Collins Avenue asked if they could attempt to do the construction during non-peak hours.

Heather Leslie responded that FDOT tries to minimize the evening work because of previous complaints, work hours are from 9:30am until around 6:00pm.

Bill Evans spoke about the project and the impact on the Town.

2. Quasi-Judicial Hearings

A. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 8985 BAY DRIVE, TO PERMIT A SIDE SETBACK VARIANCE FROM SECTION 90-45 OF THE CODE OF ORDINANCES TO ALLOW A 15.9 FOOT SIDE SETBACK VARIANCE ON THE EAST SIDE OF THE PROPERTY AND PROVIDING FOR AN EFFECTIVE DATE. (There is a request for deferral of this item for the July 2012 Town Commission Meeting)

This item has been deferred to a date certain of July 17, 2012.

Commissioner Kligman made a motion to defer until July 17, 2012 and Commissioner Lisbon seconded the motion. All members present voted in favor.

3. Consent Agenda (Set for approximately 7:30 p.m.)

Vice-Mayor Karukin made a motion to approve the Consent Agenda less the items that were pulled, Commissioner Kligman seconded the motion. All members present voted in favor.

- *A. Minutes May 8, 2012 Regular Commission Meeting Page 5 13
- B. Budget to Actual Summary as of March 31, 2012 Roger M. Carlton, Town Manager Page 13 15
- *C. Town Manager's Report (Points of Light) Roger M. Carlton, Town Manager Page 16 67
 - *The items below were pulled from the consent agenda.
- Item 3 Commissioner Olchyk pulled this item from the Consent Agenda and asked who is in charge of monitoring the grant money the Town received. Town Manager Roger M. Carlton responded that Chief Allen has been in charge of the program (grant money included) and indicated the money is for trapping, neutering, and releasing the feral cats. Vice-Mayor Karukin thanked Adam Markow for preparing the grant application.
- Item 4 Commissioner Olchyk pulled this item from the Consent Agenda and expressed concern with the idea of hiring additional staff to ensure enforcement of short-term rental violations.
- Item 8 Commissioner Kligman pulled this item from the Consent Agenda and asked if this lease would affect the Town's ability to make improvements to that area. Town Manager Roger M. Carlton responded that the lease agreement will not impact that area and asked that if Commissioner Kligman has ideas for the agreement and program to bring them to his attention so they may be included. Mayor Dietch expressed concern with the beach chairs being stacked on the beach. Town Manager Roger M. Carlton stated that Miami-Dade County is not happy with the chairs being there and explained that they have dealt with this issue in Sunny Isles and Miami Beach. He said that the underlying lease is between Miami-Dade County and the State of Florida, as a result the progress on this item is slower than he would like.
- Item 17 Commissioner Olchyk pulled this item from the Consent Agenda and voiced opposition to spending money on the dog park. She asked how many residents signed up to work on this project and asked if the Commission will be reviewing the money spent on the project. Mayor Dietch stated there is a resident spearheading the effort and there are dozens of residents who have expressed interest in volunteering. Mayor Dietch explained the money spent would be a policy discussion for the Commission at the budget hearing.
- Item 23 Commissioner Olchyk pulled this item from the Consent Agenda and asked about the Jewish Community Services agreement. Town Manager Roger M. Carlton responded about what is included in the agreement, explained the process, and stated that there is no cost to the Town.
- Item 33 Commissioner Kligman pulled this item from the Consent Agenda and asked Town Manager Roger M. Carlton to explain this item. Town Manager Roger M. Carlton responded and went over the current water and sewer billing process and reasoning behind the Town changing over to the process indicated in the Points of Light. He indicated there were public

notices and four meetings prior to this item being voted on by the Commission. Mayor Dietch asked how the rates compare between the current rate and the upcoming change. Town Manager Roger M. Carlton responded that the rate is not increasing.

Item 38 – Commissioner Olchyk pulled this item from the Consent Agenda and expressed concern about the cost of the imaging of documents. She also asked why the project is behind schedule. Town Manager Roger M. Carlton indicated that the amount of work was more than anticipated and staff has been diligently working to complete this project. He said the Town was told there were 400 boxes in storage and it turned out that there were 700 boxes. Paul Gioia discussed the progress that has been made scanning the Building Department documents.

Vice-Mayor Karukin made a motion to approve, Commissioner Olchyk seconded the motion. All members present voted in favor.

- *D. Town Attorney's Report Lynn M. Dannheisser, Town Attorney Page 68 73
- *E. Projects Progress Report Calvin, Giordano and Associates, Inc. Page 74 76

4. Ordinances

(Set for approximately 8:00 p.m.) (Note: Good and Welfare must begin at 8:15)

- A. Second Readings (Ordinances and Public Hearing)
 - *1. Amending Section 2-176 Service Retirement Allowance and Clarify the Normal Retirement Date for Members who are Police Officers—Roger M. Carlton, Town Manager Page 77 82

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-176 OF THE CODE TO CLARIFY THE NORMAL RETIREMENT DATE FOR POLICE OFFICERS UNDER THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

[This ordinance amends Section 2-176 of the Town Code to further clarify the normal retirement date for police officers in the retirement plan.]

Vice-Mayor Karukin made a motion, Commissioner Lisbon seconded the motion. All members present voted in favor.

Town Manager Roger M. Carlton stated that as a result of the previous policy a single employee who had been hired close to 62 years of age and retired in less than 5 years of employment. He stated that this proposed policy change would eliminate this problem.

Commissioner Kligman stated that as a result of the FOP's support and because the item does not require impact bargaining she is supportive.

B. First Readings Ordinances

*1. FY12 Capital Improvement Element Update – Sarah Sinatra, Town Planner Page 83 - 92

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

[This ordinance updates the Capital Improvement Element per Florida Statutes, which require local governments to annually update the Capital Improvements Element contained in their Comprehensive Plans.]

Town Planner Sarah Sinatra introduced this item and explained the process and the updates.

Vice-Mayor Karukin made a motion, Commissioner Kligman seconded the motion. All members present voted in favor.

Commissioner Kligman asked if all of the programs are fully funded. Town Manager Roger M. Carlton responded affirmatively.

Mayor Dietch asked about the traffic management program from the gas tax proceeds, Town Manager Roger M. Carlton responded that the Town may not need that amount but he will provide a more detailed response in a memorandum.

5. Resolutions and Proclamations

(Set for approximately 8:40 p.m.) (Note: Depends upon length of Good and Welfare)

*A. Charter Review Ballot Questions - Lynn Dannheisser, Town Attorney Page 93 - 137

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN CHARTER TO PROVIDE REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF

^{*}See agenda item 6 for discussion before the below agenda item was heard.

ELECTIONS; PROVIDING FOR INCLUSION IN THE CHARTER; TO ACCEPT THOSE CHARTER PROVISIONS SET FORTH IN CHAPTER AND ONLY THOSE APPROVED MAJORITY OF THE VOTERS ON NOVEMBER 6, 2012 ACCORDING TO OFFICIAL RESULTS; TO AMEND THE TOWN CHARTER TO ADD A PREAMBLE AND CITIZEN'S BILL OF RIGHTS; AMENDING ARTICLE VI. SECTION 105 GENERAL AND SPECIAL ELECTIONS OF COMMISSION MEMBERS; ARTICLE IX. SECTION 128 MANDATORY CHARTER REVIEW; ARTICLE I. SECTION 4 GENERAL POWERS OF TOWN; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; DIRECTING THE TOWN CLERK TO AMEND THE TOWN CHARTER IN ACCORDANCE WITH THE ELECTION RESULTS AND THIS RESOLUTION; PROVIDING FOR INCLUSION INTO THE TOWN CHARTER AND CODE; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Lynn M. Dannheisser introduced this item and explained the reasoning behind this resolution.

Town Manager Roger M. Carlton spoke to the provision on page 98, section 13(c) (Citizens Bill of Rights) and asked that the item be removed based upon negative implications with how the item is currently drafted. He also identified a scrivener's error (the word reasonable appeared twice) in the document that needs to be corrected.

Vice-Mayor Karukin asked that the candidacy provision in section 105 be clarified as amended.

Mayor Dietch asked how this provision would apply to Mayoral elections because the candidates running for office must identify whether they are running for the Mayoral seat or for a Commission seat. He asked how the provision would apply if, for example, ten candidates ran for office and no candidates elected to run for the Mayor's seat.

Town Attorney Lynn M. Dannheisser stated that she would like to add some clarification language to section 105 considering that scenario.

Ken Arnold, 9309 Dickens Avenue, asked if the election process vote be separate from the charter change vote.

Vice-Mayor Karukin, Mayor Dietch, and Commissioner Kligman asked that this item go on the for the November Election ballot because of the higher voter turnout.

Mayor Dietch said that he would like to have a program implemented to educate the electorate on the proposed amendments.

Vice-Mayor Karukin made a motion to approve subject to, deleting the bracketed provision of section 13c, correcting the scrivener's error, including

revisions and additional consideration on section 105 b, directing the Town Manager and Town Attorney developing a plan to inform the public, and to place on the November 2012 ballot. Commissioner Kligman seconded the motion. All members present voted in favor.

*B. Acceptance of Commissioner Lisbon Resignation and Scheduling of Special Election – Lynn Dannheisser, Town Attorney Page 138 - 147

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING COMMISSIONER LISBON'S RESIGNATION FROM OFFICE AND SCHEDULING A SPECIAL ELECTION IN ACCORDANCE WITH THE TOWN CHARTER; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ANY NECESSARY ACTION AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Lynn M. Dannheisser introduced this item. She explained why the tendered resignation would be effective at the conclusion of the Commission meeting.

Vice-Mayor Karukin made a motion to accept the resignation and hold the election on August 28, 2012, Commissioner Kligman seconded the motion. All members present voted in favor.

*C. Final Appointment of Planning & Zoning Board/Design Review Board Members
- Lynn Dannheisser, Town Attorney Page 148 - 152

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING MEMBERS OF THE TOWN PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD; PROVIDING FOR IMPLEMENTATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Lynn M. Dannheisser introduced this item.

Commissioner Kligman explained the difficulty in meeting the qualification requirements, as they currently exist, for appointing members to the Planning and Zoning and Design Review Boards. She requested the ordinance be amended to expand the permitted qualifications for the Planning and Zoning

The Commission requested that Town Attorney Lynn M. Dannheisser present [to Planning and Zoning and Design Review Board] an amended ordinance adding a licensed attorney to the permitted qualifications and, as an alternative, condense both functions into the Planning and Zoning Board for their feedback.

^{*}This was linked to item 9B

Commissioner Kligman appointed Eli Tourgeman to the Tourist Board. Commission Olchyk appointed Norma Parron to the Personal Appeals Board, Arnold Notkin to the Parks and Recreation Committee, and Barbara McLaughlin to the Tourist Board.

Vice-Mayor Karukin asked that a notation on page 234 referencing a pending appointment be corrected as no such appointment was pending.

Commissioner Kligman asked for permission to modify the minutes to reflect her vote in opposition to the item appearing on page 11 (referencing landscaping) and Vice-Mayor Karukin's amendment.

Commissioner Olchyk asked why Commissioner Kligman was allowed to have minutes discussed and she could not discuss the vote on the Town Manager's compensation approved at the May Commission Meeting. She clarified she just wanted to discuss the item not to have the item re-considered.

Town Attorney Lynn M. Dannheisser responded that when she previously requested the item to be placed on the agenda for re-consideration the item failed in a 3-2 vote in opposition to having the item placed on the agenda.

Mayor Dietch and the Commissioners granted Commissioner Olchyk an opportunity to speak on the issue of the Town Manager's compensation. Commissioner Olchyk expressed concern with the item appearing on the agenda during a month when she was unable to attend the Commission meeting.

*see additional related discussion under agenda item 1E.

D. Wayfinding Signage Project – Duncan Tavares, TEDACS Director Page 153 - 179

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDING BID TO DON BELL SIGNS, LLC IN AN AMOUNT NOT TO EXCEED \$96,820.00; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE REQUIRED CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Duncan Tayares presented this item and showed a presentation of the proposed signs.

Commissioner Lisbon made a motion, Vice-Mayor Karukin seconded the motion. All members present voted in favor.

Vice-Mayor Karukin asked about a parking sign blocking the line of sight. Town Manager Roger M. Carlton responded and said they will look at changing the angle of the sign to prevent this problem.

As a result of Commissioner Kligman's request regarding the breakdown of the money spent the vote was deferred until later in the meeting.

*see the discussion after agenda item 5E.

E. Proposed Bifurcation of Commission Meetings - Lynn Dannheisser, Town Attorney Page 180 - 182 RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE BIFURCATION OF TOWN COMMISSION MEETINGS IN THE EVENT THAT THE TOWN HAS QUASI-JUDICIAL/ZONING MATTERS TO DISCUSS, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Olchyk made a motion, Commissioner Kligman seconded the motion. All members present voted in favor.

Commissioner Olchyk and Commissioner Kligman expressed support of this item.

Vice-Mayor Karukin asked about the impact on staff workload.

Town Manager Roger M. Carlton responded and clarified how this will work and explained this will not increase workload.

*the below discussion relates to agenda item 5D.

The Commission asked questions about the breakdown of the cost for the wayfarer signs. Public Works Director Bill Evans and TEDACS Director Duncan Tavares responded to the questions about cost and sign placement.

Commissioner Lisbon made a motion, Vice-Mayor Karukin seconded the motion. All members present voted in favor.

F. New Surfside Information Technology and Telecommunications Committee – Vice Mayor Michael Karukin Page 183 - 196

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CREATING A TECHNOLOGY AND COMMUNICATIONS COMMITTEE TO PROVIDE GUIDANCE TO THE TOWN'S ADMINISTRATION REGARDING INFORMATION TECHNOLOGY (IT) AND COMMUNICATION PROGRAMS.

Vice-Mayor Karukin explained this item.

Mayor Dietch asked that clearly defined objectives be established for this committee.

Vice-Mayor Karukin made a motion, Commissioner Kligman seconded the motion. All members present voted in favor.

- *G. Approval of Expenditures Commissioner Michelle Kligman Page 197 199
 - *A. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REQUIRING ANY EXPENDITURES OVER \$8,500 TO BE APPROVED BY THE TOWN COMMISSION THROUGH A RESOLUTION; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ANY

NECESSARY ACTION AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kligman explained her reasoning for presenting this item for a vote.

Commissioner Kligman made a motion, Commissioner Olchyk seconded the motion.

Commissioner Olchyk expressed agreement with Commissioner Kligman's statement.

Vice-Mayor Karukin responded that he disagreed with some statements particularly relating to supportive documents for signing checks.

Mayor Dietch expressed some surprise for seeing this item as a resolution as opposed to a discussion item. He asked Commissioner Kligman to clarify what she is requesting.

Commissioner Kligman stated she would like to see staff recommendation with supporting documentation for new expenditures in excess of \$8500 come before the Commission as a resolution.

Town Manager Roger M. Carlton spoke to the issue and reviewed some of his ongoing projects. He explained his memorandum listed as Agenda Item 5GB regarding the item.

At 11:00pm Commissioner Olchyk made a motion to extend, Commissioner Lisbon seconded the motion. All members voted in favor.

The Commission discussed that the Finance Department should be responsible for preparing the requested documentation for the resolutions, which will be a part of the Consent Agenda.

All members present voted in favor.

*B. Town Manager's Response to Agenda Item 5GA – Roger M. Carlton, Town Manager Page 200 – 231

6. Good and Welfare (Set for approximately 8:15 p.m.)

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

Pieter Bakker, resident, spoke about an incident at the Downtown Dialogue meeting, he read a letter he wrote to the Town Manager.

Louis Cohen 9341 Collins Avenue, spoke about Commission Lisbon's resignation and expressed disappointment.

Ryan Shear, the developer of the 9501 Collins Avenue townhouse project spoke about the need for 95th Street re-development.

^{*}see discussion under Agenda Item 5GA.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

None.

9. Mayor, Commission and Staff Communications

*A. Change of the August 14, 2012 Town Commission Meeting – Roger M. Carlton, Town Manager Page 232

Town Manager Roger M. Carlton said that because of the August election the meeting should be held on August 15, 2012.

Vice-Mayor Karukin made a motion, Commissioner Olchyk seconded the motion. All members present voted in favor.

C. Board and Committee Appointments Update – Roger M. Carlton, Town Manager Page 233 – 236

*C. Hurricane Readiness (Verbal) – David Allen, Chief of Police (TIME CERTAIN 7:45) Page 237 – 346

Chief Allen presented this item and discussed measures the Town, Miami-Dade County, and the State of Florida have taken; he specifically addressed the Town procedure for varying intensity hurricanes.

D. Downtown Bench Sponsorship (Verbal)— Duncan Tavares, TEDCAS Director Duncan Tavares presented this item and asked the Commission for feedback on having a small sponsorship plaque on the benches. The Commission responded favorably

*E. Florida League of Cities 86th Annual Conference and Miami Dade League of Cities Commission Representative – Roger M. Carlton, Town Manager Page 347 - 351

Town Manager Roger M. Carlton asked for a Commissioner to be the representative. Commissioner Kligman volunteered.

Vice-Mayor Karukin made a motion to nominate Commissioner Kligman, Commissioner Olchyk seconded the motion. All members present voted in favor.

10. Adjournment

Vice-Mayor Karukin made a motion to adjourn, Commissioner Olchyk seconded the motion. All members present voted in favor.

^{*}See discussion under agenda item 5C.

The meeting was adjourned at 11:32 pm.

Accepted this 17th day of July, 2012

Daniel Dietch, Mayor

Attest:

Sarah Johnston Recording Clerk